Remarks

Applicants have carefully reviewed the Office Action mailed on December 9, 2004. Claims 13-29 and 31-42 are pending. Claims 13-29 and 31-34 have been allowed while claims 35-42 have been rejected.

Claim Rejections—35 U.S.C. § 112

Claims 38-42 were rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. Claim 38 has been amended to address the issues raised by the examiner. Applicants therefore submit that the claim is in condition for allowance. As claims 39-42 depend from claim 38 and contain additional elements, applicants submit that these claims are in condition for allowance as well.

Claim Rejections—35 U.S.C. § 102

Claims 35 and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by Daniel et al. (U.S. Patent No. 6,001,118). As Daniel et al. do not disclose each and every element of the claimed inventions, applicants respectfully traverse the rejection.

The examiner states that "Daniel et al. disclose a filter cartridge (284) having a proximal region including plurality of ridges (288 and an enlarged portion attached to the portion 300)." However, claim 35 recites "wherein the proximal region has an outer surface region with an increased coefficient of friction relative to the other portions of the filter cartridge for frictionally attaching the filter cartridge to a retrieval device." Claim 35 contains no mention of a plurality of ridges, nor is a plurality of ridges equivalent to

an outer surface region with an increased coefficient of friction. The coefficient of friction is a property that is related to the surface of an object, but not its shape.

One illustration of the difference between the two is a glass bottle. Some glass bottles, such as a Coca-Cola bottle or an IBC Root Beer bottle, have lettering or shapes molded into them. These change the shape of the bottles, but not their coefficients of friction. The same smooth, glassy surface is still everywhere on the bottle. However, if one were to etch the surface of the bottle, one could change the coefficient of friction of the bottle

Similarly, the plurality of ridges of Daniel et al. does not relate to the coefficient of friction; rather it relates to the shape of the device. Daniel et al. do not disclose that any part of the proximal region has a higher coefficient of friction. (To the contrary, Daniel et al. state that "[m]oveable collar 288 is preferable slidably engaged with the interior surface of transition tube 286 and with the exterior surface of core wire 284." Col. 11, l. 66 through col. 12, l. 1.) Nor is there any reason to believe that a higher coefficient of friction is inherent in the proximal region. The proximal region may, for example, have the same or a lower coefficient of friction than a more distal region.

As Daniel et al. do not disclose each and every element of the invention of claim 35, applicants submit that claim 35 is allowable over Daniel et al. As claim 37 depends from claim 35 and contains additional elements, applicant submits that this claim is in condition for allowance as well.

Claim 35 is rejected under 35 U.S.C. § 102(e) as being anticipated by Levinson et al. (U.S. Patent No. 6,277,138). Applicants respectfully traverse the rejection.

Levinson et al. disclose various filter embodiments having different mechanical captures systems, but does not disclose a proximal region having an outer surface region with an increased coefficient of friction. The discussion above with regard to the difference between shape and surface is pertinent here. Even the threaded system of Fig. 14 relies on the smooth turning of the male screw threads against the female screw threads, which requires a low coefficient of friction. As there is no teaching or suggestion in Levinson et al. that the coefficient of friction is greater at the proximal portion relative to any other portion, applicants therefore submit that this claim is allowable over Levinson et al.

Claim Rejections—35 U.S.C. § 103

Claim 36 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Levinson et al. in view of Lad (U.S. Patent No. 6,059,814). Applicants respectfully traverse the rejection.

As noted above, Levinson et al does not disclose a proximal region having an outer surface region with an increased coefficient of friction. Lad does not remedy this deficiency. As the prior art, alone or in combination, does not disclose each and every element of the claimed invention, applicants submit that claim 36 is allowable over the prior art.

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of

Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,

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